

REMARKS

Claims 1, 7, 12, 16, 17, 18, 23, 24, 31, and 33 have been amended.  
Claims 5-6, 8-9, 19-20, 22, and 25 have been cancelled. Claims 1-4, 7, 10-18,  
5 21, 23, 24, and 26-33 remain in the application. Reconsideration of the  
application is hereby requested in view of the amendment and comments made  
below.

10 In Section 1 of the Office Action, the Examiner stated that the declaration  
under 37 CFR 1.111 is defective as it was not properly identified. Applicant is  
submitting herewith a new declaration in compliance with 37 CFR 1.67(a) as  
requested.

15 In Section 2 of the Office Action, the Examiner objected to claims 22 and  
23. Applicant has amended claims 22 and 23 as requested.

In Section 4 of the Office Action, the Examiner rejected claims 1-3, 5, 7, 10-  
15, 20-22, 24, 26, and 32 under 35 USC 103(a) as being unpatentable over  
Onodera et al. in view of Heemskerk et al.

20 In Section 5 of the Office Action, Claims 4 and 28-29 were rejected under  
35 USC 103(a) as being unpatentable over Onodera in view of Heemskerk and  
further in view of Cutler.

In Section 6 of the Office Action, claims 6 and 9 were rejected under 35  
USC 103(a) as being unpatentable over Onodera in view of Heemskerk and  
25 further in view of Kahle.

In Section 7 of the Office Action, claims 27 and 30 were rejected under 35  
USC 103(a) as being unpatentable over Onodera in view of Heemskerk and  
further in view of Wen.

30 While Applicant respectfully traverses these rejections, Applicant has  
amended his claims in light of the claims indicated as allowable in order to timely  
further their issuance and reserves the right to pursue the rejected claims in  
subsequent continuation or divisional cases.

Applicants have amended claim 1 to incorporate the limitations of claim 8  
which was indicated as allowable. Claim 1, as amended, now includes the

limitations “a laser head for reading and writing positioned below the disk storage medium and for determining an orientation of the disk storage medium” wherein the “processor uses said label printer driver to control said rotational drive and said transverse drive in order to thermally write said symbol set to said thermally-sensitive layer of said disk storage medium *if said disk storage medium is detected as inverted* using said laser at a laser power read from the pre-recorded data with the laser.” This combination of limitations is not disclosed, taught, or suggested by the art made of Onodera and Heemskerk. Claim 1, as amended, is now believed patentable over the art made of record and withdrawal of the rejection under 35 USC 103(a) and allowance of claim 1 is respectfully requested.

Claims 2-4 depend on claim 1 and are believed patentable based at least on the patentability of claim 1. Claims 5 and 6 have been cancelled.

Claim 7 has been amended to incorporate the limitations of claim 8 which was indicated as allowable in Section 9 of the Office Action. Claim 7, as amended, is now believed patentable over the art made of record. Claim 8 has accordingly been cancelled. Claim 9 has been cancelled.

Claims 10 and 11 depend on claim 7 and are believed patentable based at least on the patentability of claim 7, as amended.

Claim 12 has been amended to include the limitations of claim 19 which was indicated as allowable in Section 9 of the Office Action if rewritten to include the base claim. Claim 12, as amended, is now believed patentable over the art made of record.

Claims 13, 14, 15, 20, and 21 depend on claim 12 directly or indirectly and are believed at least patentable based on the patentability of claim 12, as amended.

Claims 16-18 were indicated as allowable in Section 9 of the Office Action if rewritten to include all the limitations of the base and any intervening claims.

Claims 16-18 have accordingly been rewritten in independent format and are believed patentable over the art made of record.

Claim 22 has been cancelled.

Claim 23 was indicated as allowable in Section 8 of the Office Action. Claim 23 has been amended to correct the objection noted earlier.

Claim 24 has been amended to include the limitations of claim 25 which was indicated as allowable in Section 9 of the Office Action if rewritten in to include the base claim. Claim 24, as amended, is believed patentable over the art made of record. Claim 25 has accordingly been cancelled.

5           Claims 26-30 and 32 depend directly or indirectly on claim 24 and are believed patentable based at least on the patentability of claim 24, as amended.

          Claims 31 and 33 were indicated as allowable in Section 9 of the Office Action if rewritten to include the base and any intervening claims. Applicant has amended claims 31 and 33 accordingly. Claims 31 and 33 are now believed  
10           patentable over the art made of record.

          Withdrawal of the rejections under 35 USC 103(a) and allowance of claims 1-4, 7,10-18, 21, 23, 24, and 26-33, as amended, is respectfully requested.

          The Applicant wishes to thank the Examiner for the allowance of claim 23 and the indication of allowance of claims 8,16-19, 25, 31 and 33.

15           Applicant believes his claims as amended are patentable over the art of record, and that the amendments made herein are within the scope of a search properly conducted under the provisions of MPEP 904.02. Accordingly, claims 1-4, 7,10-18, 21, 23, 24, and 26-33 are deemed to be in condition for allowance, and  
20           such allowance is respectfully requested.

          If for any reason the Examiner finds the Application other than in a condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at the number listed below to discuss the steps  
25           necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2025. Should such fees be associated with an extension of time, Applicant respectfully requests that this paper be considered a petition therefore.

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